

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 97-6025**

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MARY M. GREEN,

Petitioner - Appellant,

versus

JAMES LILLER, Superintendent, Pruntytown  
Correctional Center,

Respondent - Appellee.

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Appeal from the United States District Court for the Southern  
District of West Virginia, at Huntington. Joseph Robert Goodwin,  
District Judge. (CA-95-1090-3)

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Submitted: March 27, 1997

Decided: April 11, 1997

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Before RUSSELL, LUTTIG, and MICHAEL, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Mary M. Green, Appellant Pro Se. Darrell V. McGraw, Jr., Dawn E.  
Warfield, OFFICE OF THE ATTORNEY GENERAL OF WEST VIRGINIA, Charles-  
ton, West Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Appellant filed an untimely notice of appeal. We dismiss for lack of jurisdiction. The time periods for filing notices of appeal are governed by Fed. R. App. P. 4. These periods are "mandatory and jurisdictional." Browder v. Director, Dep't of Corrections, 434 U.S. 257, 264 (1978) (quoting United States v. Robinson, 361 U.S. 220, 229 (1960)). Parties to civil actions have thirty days within which to file in the district court notices of appeal from judgments or final orders. Fed. R. App. P. 4(a)(1). The only exceptions to the appeal period are when the district court extends the time to appeal under Fed. R. App. P. 4(a)(5) or reopens the appeal period under Fed. R. App. P. 4(a)(6).

The district court entered its order on September 16, 1996; Appellant's notice of appeal was filed on October 18, 1996. Appellant's failure to note a timely appeal or obtain an extension of the appeal period leaves this court without jurisdiction to consider the merits of Appellant's appeal. We therefore deny a certificate of appealability and dismiss the appeal. We deny Appellant's motion for appointment of counsel and dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED